

REMARKS/ARGUMENTS

The claims have been amended to remove the optional features and to set them forth in dependent claims.

The claims have been further amended by reciting the composition of the alloy as **consisting of** the specifically recited components, thus positively **excluding** any other components.

As now amended, claim 1 is respectfully submitted clearly to be patentable over Desaki et al, cited. The alloy of the patent comprises from 0.3 to 5% by volume of TiC particles. Desaki et al provide an aluminum alloy for the **running layer** (lining) of a bearing, and for this purpose their alloy **must** include TiC particles because it is their object to improve the fatigue resistance at a high temperature (col. 2, lines 25/26), and the TiC particles enhance the high-temperature strength (col. 3, line 13). Thus, the alloy recited in col. 7, lines 17-24 (claim 1 of the Desaki et al patent), does **not** teach the alloy of applicants' claim 1, which **excludes** TiC particles.

Thus, a person of ordinary skill in the art would not learn from Desaki et al to use an aluminum alloy **without** TiC

particles for a **base** layer of a bearing. Accordingly, claim 1 is respectfully submitted to be patentable over the cited patent, and dependent claims 2-6 and 16-19 are believed to be allowable therewith.

Claims 7-15 are directed to a **base** layer of a bearing element, which is comprised of the alloy of claim 1. As shown in Fig. 1, bearing element 1 is comprised of protective shell 2, running layer (lining) 2 and base layer 3 therebetween. As is clear from col. 4, lines 35-46, the aluminum alloy of Desaki et al is used in a "bi-metal type" bearing where it is bonded as a lining (running layer) to a backing metal (protective shell), or a "three-layer type" structure, with "an intermediate strengthening layer" of pure aluminum or Al-Cu, Al-Mg, Al-Mn based alloys, which is sandwiched between the backing metal (protective shell) and the lining (running layer), i.e. is comparable to the claimed base layer (see also claims 14-17 of Desaki et al, which make it clear that the patentees' alloy is used for the lining).

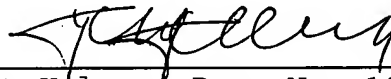
In contrast to this (see the sentence bridging pages 8 and 9), applicants provide a simplified bearing structure comprising a base layer of the specifically claimed composition on which the running layer may be directly applied. Nothing in Desaki et al deals with an alloy of the claimed composition for

such a base layer. Accordingly, claims 7 and 8 are respectfully submitted clearly to be patentable over the cited patents, and dependent claims 9-15 are believed to be allowable therewith.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 1-19 are respectfully solicited.

Respectfully submitted,

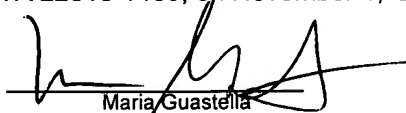
Robert MERGEN ET AL



Kurt Kelman, Reg. No. 18,628
Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on November 1, 2004.


Maria Guastella

R:\USERS\imittendorf\KELMAN\MERGEN ET AL-3 AMEND OCT. 04.wpd